

Applicants:	Cary B. Cochenour and Craig G. Cochenour	Group Art Unit:	3739
		Examiner:	Lee S. Cohen
Serial No.	10/785,555	Confirmation No.	8139
Title:	Patient Activated Temperature- Controlled Surface	Attorney Docket No.	040073

**DECLARATION OF APPLICANTS CARY B. COCHENOUR
AND CRAIG G. COCHENOUR UNDER 37 C.F.R. § 1.131**

We, Cary B. Cochenour and Craig G. Cochenour, are joint inventors of the "Patient Activated Temperature-Controlled Surface" that is disclosed and claimed in the above-captioned Application. Cary B. Cochenour is a full time student and the son of Craig G. Cochenour. Craig G. Cochenour is a pharmacist and beginning in 1981 has dispensed medication and health support aids to the geriatric public.

In 1990 our family purchased a female terrier dog. Eventually, the terrier became a geriatric canine. As with geriatric human beings, the geriatric canine population also suffers from arthritis and other musculoskeletal maladies.

Each year Cary B. Cochenour participates in an elementary school science fair. The parents of the children are encouraged to help their child with the project. The science fair culminates in a competition among the participants and is held in late February or early March of each year. The school science fair committee advises each participant and parent(s) to start early on their project. The science fair committee requires the participants to submit a working model of the invention. Since we participate each year in the annual elementary science fair, we each are very aware that plenty of time is needed well in advance of the actual date of the science fair competition to first conceive of an invention and then to prepare a working model of the

invention. We were focused on inventing something that would be helpful for our aging terrier. We conceived the invention disclosed and claimed in the above-captioned Application on or before January 11, 2003, in North Huntingdon, Pennsylvania, USA. Craig G. Cochenour's personal handwritten calendar for January 2003 shows January 11, 2003 as the day that Cary and Craig discussed the invention. A true and correct copy of Craig's personal handwritten calendar for the month of January, 2003 is attached as Exhibit A. Craig keeps a personal calendar for each month of the year, and has kept such a monthly calendar for each year for the past seventeen years. As shown on Exhibit A, January 11, 2003 bears an entry "Cary Science Project" indicating that we discussed the invention at least as early as January 11, 2003. We submit that at least as early as January 11, 2003, the invention was conceived by us jointly. On the evening of January 11, 2003, we prepared the initial drawings that set forth the elements of the invention. A true and correct copy of these drawings are attached as Exhibit G (Cary's drawing) and Exhibit H (Craig's drawing), respectively. The conception date on or before January 11, 2003 is a date: (i) prior to the October 7, 2004 publication date of "Park" U.S. Patent Application Publication No. 2004/0195227, and (ii) prior to the January 15, 2003 filing date of the "Park" Provisional Application 60/440,306, relied upon by the Examiner. As evidence in support of these facts, Applicants submit the attached Supporting Statement of Witness of Colleen D. Cochenour.

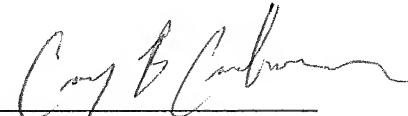
Our joint conception of the invention, that is disclosed and claimed in the above-captioned utility Application, was then followed by a diligent reduction to practice in January and February 2003 as established by the following evidence, all of which took place in North Huntingdon, Pennsylvania, USA. Exhibit A shows Craig's personal calendar entries for continued work on the invention in January 2003 as follows: (i) January 18, 2003 "Cary

Project", and (ii) January 25, 2003 "Project". Exhibit B, attached hereto, is a true copy of Craig's personal handwritten calendar for February, 2003. Exhibit B shows continued entries for work on the invention as follows: (i) February 1, 2003 "Project", (ii) February 8, 2003 "Science Project", and (iii) February 15, 2003 "Project Finish Model". Exhibit C shows a copy of our family's credit card receipt (account number redacted) dated February 7, 2003 wherein the "Sunbeam" heating pad was purchased for construction of one embodiment of our working full size physical invention. Exhibit D shows a copy of a true and correct photograph of one embodiment of the full size working patient activated temperature-controlled surface of the present invention that was completed on February 15, 2003 that supplies heat to the floor of the invention and being used successfully by our thirteen year old geriatric, arthritic Yorkshire Terrier dog. The invention worked successfully as described in the above-captioned Patent Application. Exhibit E shows a copy of a true and correct photograph of a front view of one embodiment of the patient-activated temperature-controlled surface of the present invention that was completed on February 15, 2003 wherein one may view a number of the elements of the full size working invention. Exhibit F shows a copy of our family's credit card receipt (account number redacted) dated February 19, 2003 for purchase of safety pins that were used in one embodiment of our invention to secure the "Sunbeam" heating pad (i.e. the temperature source capable of supplying heat) in juxtaposition to the floor of the patient activated temperature-controlled surface or of the animal bed for transportation of the invention to the Norwin Science Fair held on February 28, 2003 at Scull Elementary School, Irwin, Pennsylvania, USA. We submit that all of the above show evidence demonstrating a diligent reduction to practice of our invention on February 15, 2003 following conception of our invention on at least as early as January 11, 2003.

On February 28, 2003, we filed Provisional Patent Application No. 60/450,859 for our invention and to which the above-captioned utility Application claims the benefit of priority thereto. This evidences diligent preparation and filing of the Application. The above-captioned utility patent Application (Serial No. 10/785,555) was filed by us on February 24, 2004, and discloses and claims the invention disclosed and claimed in Provisional Patent Application No. 60/450,859.

We declare that the foregoing is true and correct, that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the Application or any patent issuing thereon.

Date: December 16, 2009



Cary B. Cochenour



Craig G. Cochenour

January						
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
January 2003 S M T W T F S 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31						
5 5/360	6 6/353 E 11/14/02 E 11/2-12/1/02	7 7/258 E P 12/1/02 Kentucky W 12/2/02	8 8/257 E P 12/3/02	9 9/356 CALL BPS S/M & FOAD	10 10/354 E P 12/4/02	11 11/354 E P 12/5/02 Stedette W 12/6/02 PERIODICALS W 12/7/02
12 12/353	13 13/352 E P 12/8/02 Shaggydog	14 14/351 E P 12/9/02	15 15/350 P 12/10/02	16 16/349 CALL TEST SC 12/11/02	17 X 17/348 2 hr Delay Coyote P 12/12/02	18 18/347 CALL PROJECT
19 19/346 10/346 HAIR CUT	20 20/345 Martin Luther King, Jr. Day (US) NO School School teeth P/C teeth cleaning	21 21/344 E P 12/13/02	22 22/343 E P 12/14/02	23 23/342 E P 12/15/02 Honey CBL KIDS Honey Fellows E P 12/16/02	24 24/341 TELECONFERENCE 12/17/02 PLI Search Success	25 25/340 PROJECT HONEY
26 26/339	27 27/338 9 off	28 28/337 9 off	29 29/336 832	30 29/335 P/TB PCL Cooper P/TB 745-927 PAVANT	31 31/334 P/TB PCL Cooper PAVANT	32 32/333 PAVANT

EXHIBIT A

2003 February

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
February 2003 S M T W T F S						
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28	2 34/322 3 CATTY 34/321 @ 5PM + LUNCH	4 35/320 IPB HLL 12-22 4 PM A.M. FAM P.M.	5 36/329 Anniversary of the Constitution (MI) DUG UMAN 7 AM 11 PM	6 37/328 THM 11 PM	7 38/327 9:30 AM 600+124 10° Keas 9:50 AM STAINES	1 32/333 Chinese New Year PAGE OF HAPPY NEW YEAR
	9 40/325 10 41/324 100 HAIR	11 42/323 (Eid) al Adha 10 AM CAP SEZ	12 43/322 Lincoln's Birthday (US)	13 44/321 CATTY	14 45/320 Valentine's Day (UK, US) File LADIES	15 46/319 PROJECT FINISH HLD BLOSSOM
	16 47/318 17 48/317 Presidents Day (US)	18 49/316 2 PM SEZ 10:30 PM	19 50/315 1 PM NOON LUNCH PACES 7:30 PM	20 51/314 NOON LUNCH PACES 7:30 PM	21 52/313 22 53/312 Washington's Birthday (US)	
	23 54/311 24 55/310 Flag Day (MI) 11:30 AM LUNCH	25 56/309 1 PM 8:30 AM 3:40 PM 26 57/308 1 PM 7:30 PM 3:40 PM 27 58/307 DUL Br-Meting Top		28 59/306 Science Fair @ Scell		29 60/305 TODAY

EXHIBIT B



Right there with youSM

STORE # 6048

8775 NORWIN AVE

NORTH FULTON, PA 15642

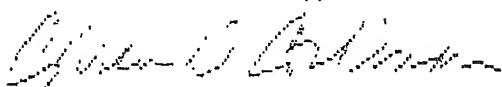
(724) 863-9074

YOUR CASHIER TODAY IS SONNIE
ASSOC #05663 REG #005 DRAWER #1
TRANS #04180 TYPE #01 STORE #6048
NORMAL SALE

404682 3-IPS AH0Y	2.50
540310 SUNSEAM HEAT PAD	23.99
TOTAL	26.49
CREDIT CARDS	16.45

** THANK YOU FOR SHOPPING AT ECKERD **
** 1-800-ECKERDS eckerd.com **

I AGREE TO PAY THE ABOVE TOTAL
AMOUNT: \$16.45, TO THE CARD
ISSUER AGREEMENT.

A handwritten signature in black ink, appearing to read "Sonnie J. Johnson".

Customer Signature

February 07, 2003 08:06 PM

EXHIBIT C

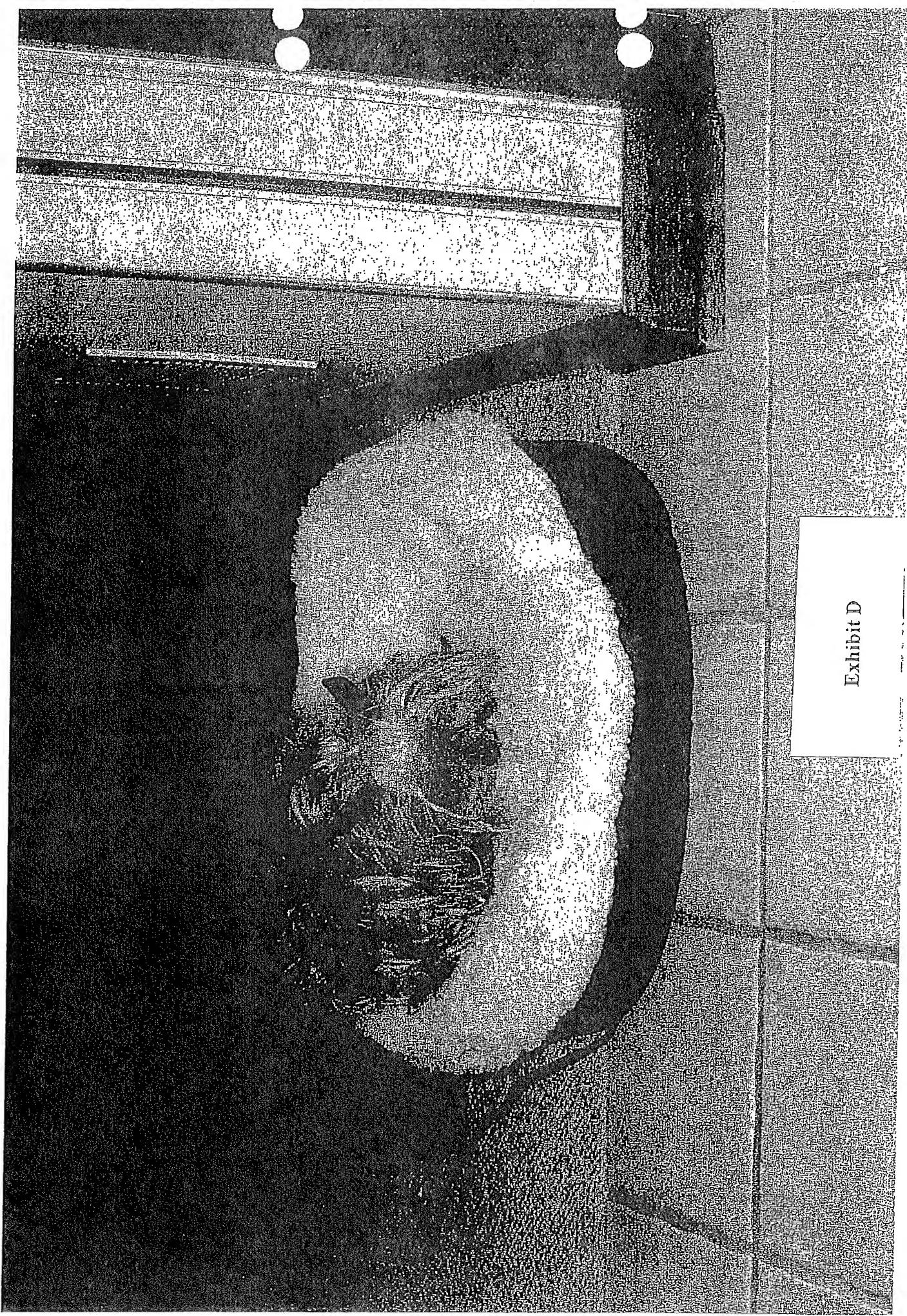


Exhibit D

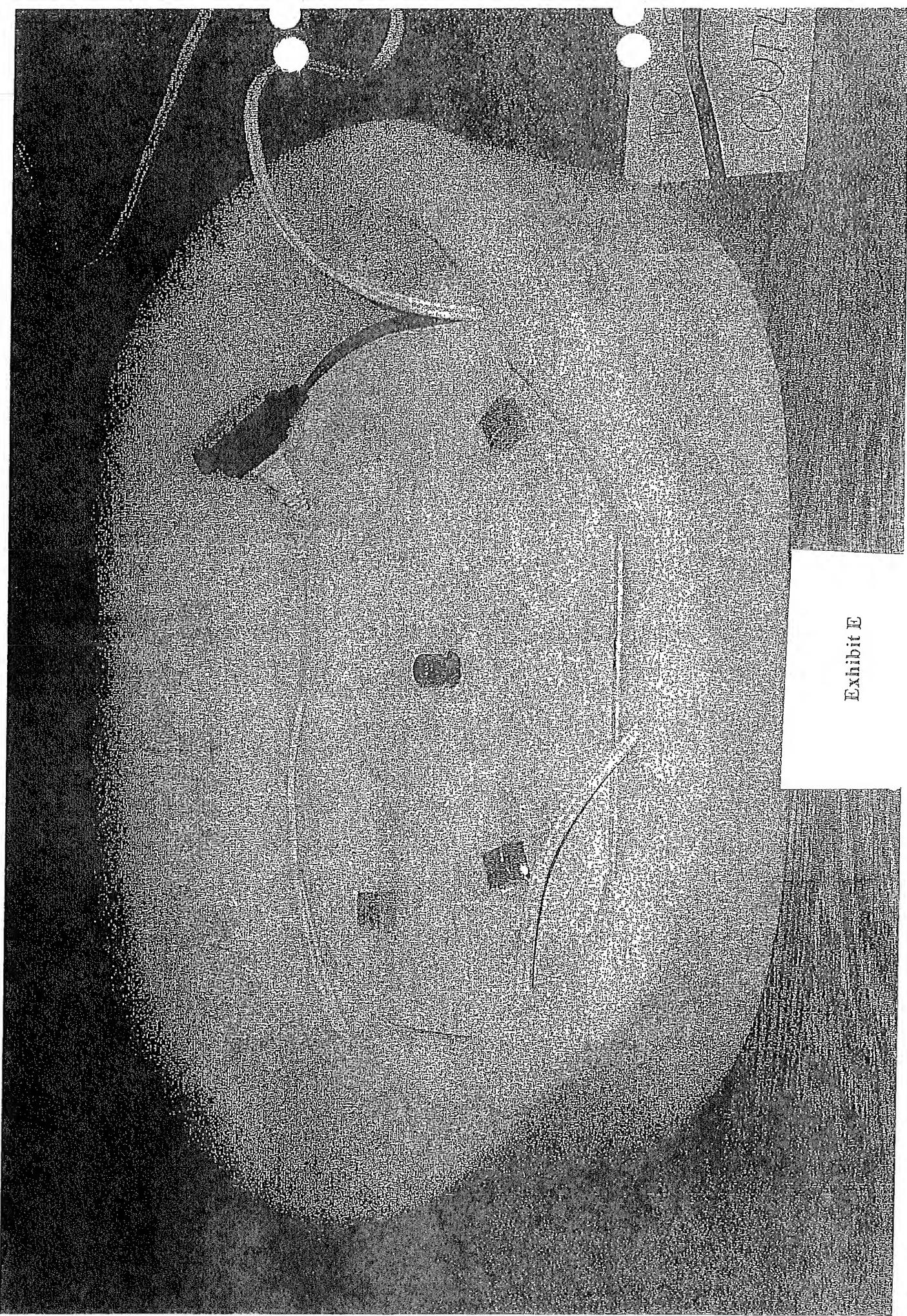


Exhibit E

PICTURE PERFECT

GIANT EAGLE Store # 0010

Your Cashier Today was Mary R

	PHOTO FINISHING	AC	6.99	I
	PHOTO FINISHING	AC	8.99	T
	PHOTO FINISHING	AC	8.99	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	T
	GE 35MM FILM	AC	4.77	T
SC	GE 35MM FIL (1.59)		3.18	T
	SAFETY PINS		1.89	T
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
SC	PHOTO FINISHING		1.00	
	*** SUBTOTAL		28.63	
	TAX		1.72	

**** BALANCE 30.35

VISA 30.35

VISA 30.35
CHANGE 0.00
TOTAL NUMBER OF ITEMS SOLD = 7

****YOUR GIANT EAGLE SAVINGS TODAY****
CARD & STR CPNS \$ 12.54
TOTAL SAVINGS (30 Pct.) \$ 12.54

2/19/03 03.29pm 10 90 43 908

Exhibit F

Go to sianeagle.com to learn about
card benefits and helping schools
through Apples For The Students.

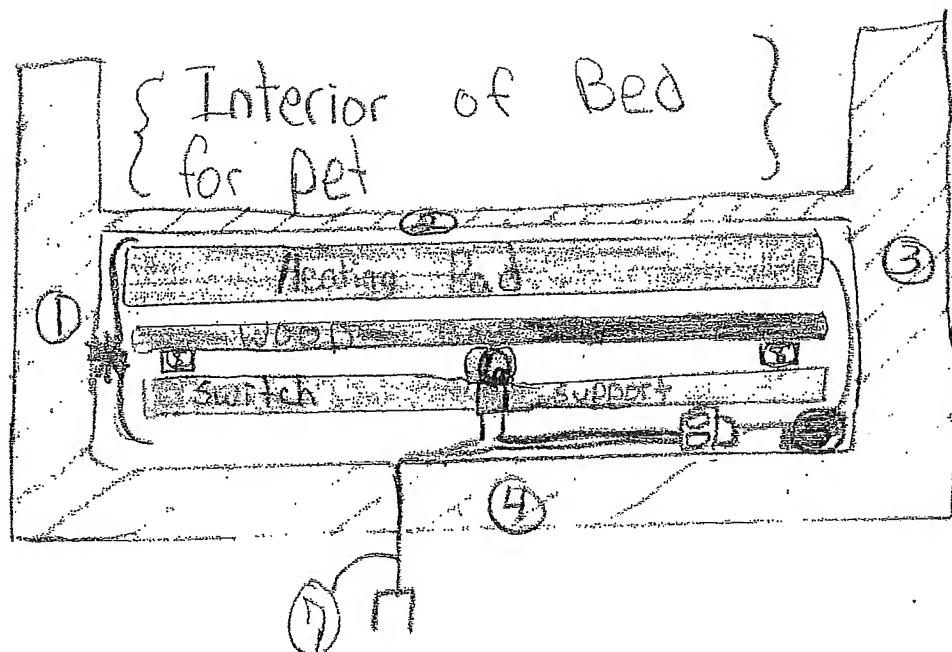
You are enrolled in Apples For
The Students. Thank You!

THANK YOU FOR SHOPPING AT GIANT EAGLE.
CUSTOMER CARE CENTER# 1-800-553-2324
CARD # 40163013311



Make every day taste better.

EXHIBIT G



- * Bottom compartment of bed interior
- ① Left exterior of bed
- ② Floor of bed interior for pet
- ③ Right exterior of bed
- ④ Bottom exterior of bed
- ⑤ Heating pad control module
- ⑥ momentary switch
- ⑦ Electric Cord to Power Source
- ⑧ LEGO® Buffer

EXHIBIT H

